

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CSX TRANSPORTATION, INC.

500 Water Street

Jacksonville, Florida 32202

Plaintiff,

v.

MEGATRUX TRANSPORTATION, INC.

3500 South Dupont Highway

Dover, Delaware 19901

Defendant.

CASE NO.

COMPLAINT

Plaintiff CSX Transportation, Inc. ("CSX") hereby files this Complaint against defendant Megatrux Transportation, Inc. ("MTI"). In support of its cause of action, CSX avers as follows:

PARTIES

1. Plaintiff CSX is a corporation incorporated pursuant to the laws of Virginia and has its principal place of business in Jacksonville, Florida. CSX operates as an interstate rail carrier subject to the jurisdiction of the U.S. Surface Transportation Board, and is governed by the provisions of the Interstate Commerce Act, 49 U.S.C. § 10101, *et seq.*

2. Defendant MTI is a corporation organized pursuant to the laws of the state of Delaware with a principal place of business in California. MTI operates as a freight forwarder and broker, Motor Carrier Number 186917. MTI provides transportation services in all forty-eight states in the continental United States, including Pennsylvania, and otherwise operates in the Eastern District of Pennsylvania.

JURISDICTION AND VENUE

3. Jurisdiction in this matter is based upon 28 U.S.C. § 1337, inasmuch as this is a cause of action arising under the Interstate Commerce Act, 49 U.S.C. § 10101, *et seq.*

4. Venue is proper in the United States District Court for the Eastern District of Pennsylvania pursuant to 28 U.S.C. § 1391(b) because MTI regularly conducts business within this district.

CAUSE OF ACTION

Count I - Failure to Pay Rail Common Carrier Freight Charges

5. CSX hereby incorporates the preceding paragraphs as if set forth fully at length herein.

6. The subject matter of this action stems from freight charges assessed pursuant to applicable tariff rates governing the common carriage of freight by CSX, an interstate rail carrier, as mandated by 49 U.S.C. §11101, as well as other related charges.

7. MTI entered into an agreement with CSX to transport freight via interstate rail.

8. Beginning in October 2013 and continuing through February 2014, CSX transported freight via interstate rail at the request of MTI pursuant to the agreement.

9. CSX presented MTI with freight bills for said freight movements and demanded payment of freight charges in accordance with the rates set forth in the controlling tariffs and bills of lading.

10. MTI incurred a total of \$44,849.00 in rail freight charges, all of which remain due and owing to CSX for the interstate transportation of freight by rail on behalf of MTI.

11. Despite demand, MTI has refused to make payment of said charges to CSX.

WHEREFORE, CSX Transportation, Inc. respectfully demands that judgment be entered in its favor and against defendant, Megatrux Transportation, Inc., in the amount of \$44,849.00 for outstanding freight and related charges, together with costs, prejudgment interest, attorneys' fees, and such other relief as the Court may allow.

Dated: April 3, 2014

Respectfully submitted,

KEENAN COHEN & HOWARD P.C.

By: 

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